

EXHIBIT 5

From: Ted Boettner [ted@ohiorivervalleyinstitute.org]
Sent: Tuesday, March 1, 2022 11:47 AM
To: Mike Becher
Subject: Diversified, foreseeability, private nuisance, etc.
Attachments: scan0052.pdf

Mike,

My attorney buddy Tom and I were having a few beers this weekend and reminiscing about the Flood case we worked on at the Caldwell Practice many moons ago. At any rate, we thought maybe parts of that decision are apropos to building a case against Diversified. In particular, the discussion of foreseeability (see attached) and that the test here is essentially the same and the adjacent property owner is the family with a shitty (Diversified) well on his/her property. At any rate, just spitballing here. lol And let me know when you are around AC and I can show you the Upstream database.

Take care,

Ted

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